



General Assembly

January Session, 2011

***Raised Bill No. 896***

LCO No. 2901

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Referred to Committee on Planning and Development

Introduced by:  
(PD)

***AN ACT MAKING PROCEDURAL CHANGES TO THE SITE PLAN AND  
SUBDIVISION APPLICATION PROCESS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (g) of section 8-3 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2011*):

4 (g) [The zoning regulations may require that a site] A site plan shall  
5 be filed with [the commission or other municipal agency or] a  
6 municipal official duly authorized by the commission to aid in  
7 determining the conformity of a proposed building, use or structure  
8 with specific provisions of such regulations. If a site plan application  
9 involves an activity regulated pursuant to sections 22a-36 to 22a-45,  
10 inclusive, the applicant shall submit an application for a permit to the  
11 agency responsible for administration of the inland wetlands  
12 regulations not later than the day such application is filed with [the  
13 zoning commission] such official. The [commission] official shall,  
14 within the period of time established in section 8-7d, as amended by  
15 this act, accept the filing of and shall process, pursuant to section 8-7d,  
16 as amended by this act, any site plan application involving land

17 regulated as an inland wetland or watercourse under chapter 440. The  
18 decision of the [zoning commission] official shall not be rendered on  
19 the site plan application until the inland wetlands agency has  
20 submitted a report with its final decision. In making [its] a decision,  
21 the [commission] official shall give due consideration to the report of  
22 the inland wetlands agency and if the [commission] official establishes  
23 terms and conditions for approval that are not consistent with the final  
24 decision of the inland wetlands agency, the [commission] official shall  
25 state [on the record] in writing the reason for such terms and  
26 conditions. A site plan may be modified or denied only if it fails to  
27 comply with requirements already set forth in the zoning or inland  
28 wetlands regulations. Approval of a site plan shall be presumed unless  
29 a decision to deny or modify it is rendered within the period specified  
30 in section 8-7d, as amended by this act. A certificate of approval of any  
31 plan for which the period for approval has expired and on which no  
32 action has been taken shall be sent to the applicant within fifteen days  
33 of the date on which the period for approval has expired. A decision to  
34 deny or modify a site plan shall set forth the reasons for such denial or  
35 modification. A copy of any decision shall be sent by certified mail to  
36 the person who submitted such plan within fifteen days after such  
37 decision is rendered. The [zoning commission] official may, as a  
38 condition of approval of any modified site plan, require a bond in an  
39 amount and with surety and conditions satisfactory to it, securing that  
40 any modifications of such site plan are made or may grant an  
41 extension of the time to complete work in connection with such  
42 modified site plan. The [commission] official may condition the  
43 approval of such extension on a determination of the adequacy of the  
44 amount of the bond or other surety furnished under this section. The  
45 [commission] official shall publish notice of the approval or denial of  
46 site plans in a newspaper having a general circulation in the  
47 municipality. In any case in which such notice is not published within  
48 the fifteen-day period after a decision has been rendered, the person  
49 who submitted such plan may provide for the publication of such  
50 notice within ten days thereafter. The provisions of this subsection

51 shall apply to [all zoning commissions or other final zoning authority  
52 of] each municipality whether or not such municipality has adopted  
53 the provisions of this chapter or the charter of such municipality or  
54 special act establishing zoning in the municipality contains similar  
55 provisions.

56 Sec. 2. Subsection (b) of section 8-7d of the general statutes is  
57 repealed and the following is substituted in lieu thereof (*Effective*  
58 *October 1, 2011*):

59 (b) Notwithstanding the provisions of subsection (a) of this section,  
60 whenever the approval of a site plan is the only requirement to be met  
61 or remaining to be met under the zoning regulations for any building,  
62 use or structure, a decision on an application for approval of such site  
63 plan shall be rendered not later than sixty-five days after receipt of  
64 such site plan. Whenever a decision is to be made on an application for  
65 subdivision approval under chapter 126, [on which no hearing is held,]  
66 such decision shall be rendered not later than sixty-five days after  
67 receipt of such application. Whenever a decision is to be made on an  
68 inland wetlands and watercourses application under chapter 440 on  
69 which no hearing is held, such decision shall be rendered not later than  
70 sixty-five days after receipt of such application. Whenever a decision is  
71 to be made on an aquifer protection area application under chapter  
72 446i on which no hearing is held, such decision shall be rendered not  
73 later than sixty-five days after receipt of such application. The  
74 applicant may consent to one or more extensions of such period,  
75 provided the total period of any such extension or extensions shall not  
76 exceed sixty-five days or may withdraw such plan or application.

77 Sec. 3. Subsection (a) of section 8-8 of the general statutes is repealed  
78 and the following is substituted in lieu thereof (*Effective October 1,*  
79 *2011*):

80 (a) As used in this section:

81 (1) "Aggrieved person" means a person aggrieved by a decision of a

82 board and includes any officer, department, board or bureau of the  
83 municipality charged with enforcement of any order, requirement or  
84 decision of the board. In the case of a decision by a zoning commission,  
85 planning commission, combined planning and zoning commission,  
86 [or] duly authorized agent or official of a zoning commission, planning  
87 commission or combined planning and zoning commission, or zoning  
88 board of appeals, "aggrieved person" includes any person owning land  
89 that abuts or is within a radius of one hundred feet of any portion of  
90 the land involved in the decision of the board.

91 (2) "Board" means a municipal zoning commission, planning  
92 commission, combined planning and zoning commission, zoning  
93 board of appeals or other board or commission the decision of which  
94 may be appealed pursuant to this section, a duly authorized agent or  
95 official of a zoning commission, planning commission or combined  
96 planning and zoning commission whose decision may be appealed  
97 pursuant to this section, or the chief elected official of a municipality,  
98 or such official's designee, in a hearing held pursuant to section 22a-  
99 250, whose decision may be appealed.

100 Sec. 4. Section 8-9 of the general statutes is repealed and the  
101 following is substituted in lieu thereof (*Effective October 1, 2011*):

102 Appeals from zoning commissions and planning and zoning  
103 commissions or their designated agents or officials may be taken to the  
104 Superior Court and, upon certification for review, to the Appellate  
105 Court in the manner provided in section 8-8, as amended by this act.

106 Sec. 5. Section 8-26 of the general statutes is repealed and the  
107 following is substituted in lieu thereof (*Effective October 1, 2011*):

108 (a) All plans for subdivisions and resubdivisions, including  
109 subdivisions and resubdivisions in existence but which were not  
110 submitted to the commission for required approval, whether or not  
111 shown on an existing map or plan or whether or not conveyances have  
112 been made of any of the property included in such subdivisions or

113 resubdivisions, shall be submitted to the commission with an  
114 application in the form to be prescribed by it. The commission, or its  
115 duly authorized agent, shall have the authority to determine whether  
116 the existing division of any land constitutes a subdivision or  
117 resubdivision under the provisions of this chapter, provided nothing  
118 in this section shall be deemed to authorize the commission or agent to  
119 approve any such subdivision or resubdivision [which] that conflicts  
120 with applicable zoning regulations. Such regulations may contain  
121 provisions whereby the commission may waive certain requirements  
122 under the regulations by a three-quarters vote of all the members of  
123 the commission in cases where conditions exist which affect the subject  
124 land and are not generally applicable to other land in the area,  
125 provided that the regulations shall specify the conditions under which  
126 a waiver may be considered and shall provide that no waiver shall be  
127 granted that would have a significant adverse effect on adjacent  
128 property or on public health and safety. The commission shall state  
129 upon its records the reasons for which a waiver is granted in each case.

130 (b) The commission may establish a schedule of fees and charge  
131 such fees. The amount of the fees shall be sufficient to cover the costs  
132 of processing subdivision applications, including, but not limited to,  
133 the cost of registered or certified mailings and the publication of  
134 notices, and the costs of inspecting subdivision improvements. Any  
135 schedule of fees established under this section shall be superseded by  
136 fees established by ordinance under section 8-1c.

137 (c) The commission [may] shall not hold a public hearing regarding  
138 any subdivision proposal. [if, in its judgment, the specific  
139 circumstances require such action.] No plan of resubdivision shall be  
140 acted upon by the commission without a public hearing. Such public  
141 hearing shall be held in accordance with the provisions of section 8-7d,  
142 as amended by this act.

143 (d) The commission may delegate to its duly authorized agent the  
144 authority to approve, modify and approve, or disapprove any plan of

145 subdivision, provided the commission may not delegate the authority  
 146 to review any plan of resubdivision. The commission or agent shall  
 147 approve, modify and approve, or disapprove any subdivision or  
 148 resubdivision application or maps and plans submitted therewith,  
 149 including existing subdivisions or resubdivisions made in violation of  
 150 this section, within the period of time permitted under section 8-26d. A  
 151 plan of subdivision may be modified or denied only if it fails to  
 152 comply with requirements set forth in the planning or inland wetlands  
 153 regulations. Notice of the decision of the commission or agent shall be  
 154 published in a newspaper having a substantial circulation in the  
 155 municipality and addressed by certified mail to any person applying to  
 156 the commission under this section, by its secretary or clerk, under his  
 157 signature in any written, printed, typewritten or stamped form, within  
 158 fifteen days after such decision has been rendered. In any case in  
 159 which such notice is not published within such fifteen-day period, the  
 160 person who made such application may provide for the publication of  
 161 such notice within ten days thereafter. Such notice shall be a simple  
 162 statement that such application was approved, modified and approved  
 163 or disapproved, together with the date of such action. The failure of  
 164 the commission or agent to act thereon shall be considered as an  
 165 approval, and a certificate to that effect shall be issued by the  
 166 commission on demand. The grounds for [its] the commission's action  
 167 or the action of its agent shall be stated in the records of the  
 168 commission. No planning commission or agent shall be required to  
 169 consider an application for approval of a subdivision plan while  
 170 another application for subdivision of the same or substantially the  
 171 same parcel is pending before the commission or agent. For the  
 172 purposes of this subsection, an application is not "pending before the  
 173 [commission]" commission or agent" if the commission or agent has  
 174 rendered a decision with respect to such application and such decision  
 175 has been appealed to the Superior Court.

176 (e) If an application involves land regulated as an inland wetland or  
 177 watercourse under the provisions of chapter 440, the applicant shall  
 178 submit an application to the agency responsible for administration of

179 the inland wetlands regulations no later than the day the application is  
 180 filed for the subdivision or resubdivision. The commission or agent  
 181 shall, within the period of time established in section 8-7d, as amended  
 182 by this act, accept the filing of and shall process, pursuant to section 8-  
 183 7d, as amended by this act, any subdivision or resubdivision involving  
 184 land regulated as an inland wetland or watercourse under chapter 440.  
 185 The commission or agent shall not render a decision until the inland  
 186 wetlands agency has submitted a report with its final decision to the  
 187 commission or agent. In making [its] a decision the commission or  
 188 agent shall give due consideration to the report of the inland wetlands  
 189 agency and if the commission or agent establishes terms and  
 190 conditions for approval that are not consistent with the final decision  
 191 of the inland wetlands agency, the commission or agent shall state on  
 192 the commission's record the reason for such terms and conditions. In  
 193 making a decision on an application, the commission or agent shall  
 194 consider information submitted by the applicant under subsection (b)  
 195 of section 8-25 concerning passive solar energy techniques. The  
 196 provisions of this section shall apply to any municipality which  
 197 exercises planning power pursuant to any special act.

198 Sec. 6. Section 8-28 of the general statutes is repealed and the  
 199 following is substituted in lieu thereof (*Effective October 1, 2011*):

200 Notice of all official actions or decisions of a planning commission  
 201 or its duly authorized agent, not limited to those relating to the  
 202 approval or denial of subdivision plans, shall be published in a  
 203 newspaper having a substantial circulation in the municipality within  
 204 fifteen days after such action or decision. Any appeal from an action or  
 205 decision of a planning commission or its agent shall be taken pursuant  
 206 to the provisions of section 8-8, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	8-3(g)
Sec. 2	<i>October 1, 2011</i>	8-7d(b)

Sec. 3	<i>October 1, 2011</i>	8-8(a)
Sec. 4	<i>October 1, 2011</i>	8-9
Sec. 5	<i>October 1, 2011</i>	8-26
Sec. 6	<i>October 1, 2011</i>	8-28

***Statement of Purpose:***

To provide greater efficiency in the processing of site plan and subdivision applications.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*